



General Assembly

January Session, 2015

***Raised Bill No. 6887***

LCO No. 4151



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S  
RECOMMENDATIONS REGARDING THE PROTECTION OF  
RESIDENTS IN HEALTH CARE INSTITUTIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-511 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 As used in this section and sections [19a-511] 19a-512 to 19a-520,  
4 inclusive, "nursing home" means an institution licensed under this  
5 chapter and "nursing home administrator" means the person in general  
6 administrative charge of a nursing home. All nursing homes licensed  
7 under this chapter shall be under the supervision of a licensed nursing  
8 home administrator. The nursing home administrator shall be  
9 responsible for the quality and safety of all services provided in a  
10 nursing home.

11 Sec. 2. Subsection (c) of section 19a-535a of the general statutes is  
12 repealed and the following is substituted in lieu thereof (*Effective*

13    *October 1, 2015):*

14        (c) (1) The facility shall be responsible for assisting the resident in  
15        finding appropriate placement. Such assistance shall include: (A)  
16        Providing the resident with a list of settings that are appropriate for  
17        the resident's placement and within the geographic area in which the  
18        resident desires to reside; and (B) assisting the resident in completing  
19        applications for potential placement settings, including, but not limited  
20        to, completing medical forms and obtaining necessary medical  
21        information.

22        (2) A written discharge plan, prepared by the facility, [which  
23        indicates] signed by the person who prepared the discharge plan on  
24        behalf of the facility administrator, and indicating the resident's  
25        individual needs shall accompany the [patient] resident. The discharge  
26        plan shall include, but not be limited to: (A) The name and address of  
27        the facility and the resident; (B) a description of the resident's current  
28        medical conditions; (C) a complete list of medications prescribed to the  
29        resident at the time the discharge plan is prepared; (D) a complete list  
30        of the resident's health care providers; (E) a detailed description of the  
31        resident's social or emotional conditions that may impact the type of  
32        setting in which the resident is placed; and (F) a description of the type  
33        of setting that is most appropriate for the resident's placement. The  
34        discharge plan shall be marked "confidential" and a copy shall be  
35        provided to the resident or the resident's legally liable relative,  
36        guardian or conservator. A representative of the facility shall be  
37        available for consultation with the resident or the resident's legally  
38        liable relative, guardian or conservator concerning the contents of the  
39        discharge plan at the time such person is provided with a copy of the  
40        discharge plan. The facility's representative shall attempt to obtain the  
41        signature of the resident or the resident's legally liable relative,  
42        guardian or conservator on the discharge plan to acknowledge (i)  
43        receipt of the discharge plan, and (ii) an opportunity for consultation  
44        with a representative of the facility concerning such discharge plan.

45       Sec. 3. Section 19a-527 of the general statutes is repealed and the  
46       following is substituted in lieu thereof (*Effective October 1, 2015*):

47       Citations issued pursuant to section 19a-524 for violations of  
48       statutory or regulatory requirements shall be classified according to  
49       the nature of the violation and shall state such classification and the  
50       amount of the civil penalty to be imposed on the face thereof. The  
51       Commissioner of Public Health shall, by regulation in accordance with  
52       chapter 54, classify violations as follows:

53       [(a)] (1) Class A violations are conditions that the Commissioner of  
54       Public Health determines present an immediate danger of death or  
55       serious harm to any patient in the nursing home facility or residential  
56       care home. For each class A violation, a civil penalty of not more than  
57       [five] ten thousand dollars may be imposed;

58       [(b)] (2) Class B violations are conditions that the Commissioner of  
59       Public Health determines present a probability of death or serious  
60       harm in the reasonably foreseeable future to any patient in the nursing  
61       home facility or residential care home, but that he or she does not find  
62       constitute a class A violation. For each [such] Class B violation, a civil  
63       penalty of not more than [three] five thousand dollars may be  
64       imposed.

65       Sec. 4. Section 19a-561 of the general statutes is repealed and the  
66       following is substituted in lieu thereof (*Effective October 1, 2015*):

67       (a) As used in this section, "nursing facility management services"  
68       means services provided in a nursing facility to manage the operations  
69       of such facility, including the provision of care and services and  
70       "nursing facility management services certificate holder" means a  
71       person or entity certified by the Department of Public Health to  
72       provide nursing facility management services.

73       (b) No person or entity shall provide nursing facility management  
74       services in this state without obtaining a certificate from the

75 Department of Public Health.

76 (c) Any person or entity seeking a certificate to provide nursing  
77 facility management services shall apply to the department, in writing,  
78 on a form prescribed by the department. Such application shall include  
79 the following:

80 (1) (A) The name and business address of the applicant and whether  
81 the applicant is an individual, partnership, corporation or other legal  
82 entity; (B) if the applicant is a partnership, corporation or other legal  
83 entity, the names of the officers, directors, trustees, managing and  
84 general partners of the applicant, the names of the persons who have a  
85 ten per cent or greater beneficial ownership interest in the partnership,  
86 corporation or other legal entity, and a description of each such  
87 person's relationship to the applicant; (C) if the applicant is a  
88 corporation incorporated in another state, a certificate of good  
89 standing from the state agency with jurisdiction over corporations in  
90 such state; and (D) if the applicant currently provides nursing facility  
91 management services in another state, a certificate of good standing  
92 from the licensing agency with jurisdiction over public health for each  
93 state in which such services are provided;

94 (2) A description of the applicant's nursing facility management  
95 experience;

96 (3) An affidavit signed by the applicant and any of the persons  
97 described in subparagraph (B) of subdivision (1) of this subsection  
98 disclosing any matter in which the applicant or such person (A) has  
99 been convicted of an offense classified as a felony under section 53a-25  
100 or pleaded nolo contendere to a felony charge, or (B) has been held  
101 liable or enjoined in a civil action by final judgment, if the felony or  
102 civil action involved fraud, embezzlement, fraudulent conversion or  
103 misappropriation of property, or (C) is subject to a currently effective  
104 injunction or restrictive or remedial order of a court of record at the  
105 time of application, or (D) within the [past] five years preceding the

106 date on which such affidavit is signed has had any state or federal  
107 license or permit suspended or revoked as a result of an action brought  
108 by a governmental agency or department, arising out of or relating to  
109 business activity or health care, including, but not limited to, actions  
110 affecting the operation of a nursing facility, residential care home or  
111 any facility subject to sections 17b-520 to 17b-535, inclusive, or a  
112 similar statute in another state or country; and

113 (4) The location and description of any nursing facility in this state  
114 or another state in which the applicant currently provides nursing  
115 facility management services or has provided such services within the  
116 past five years.

117 (d) In addition to the information provided pursuant to subsection  
118 (c) of this section, the department may reasonably request to review  
119 the applicant's audited and certified financial statements, which shall  
120 remain the property of the applicant when used for either initial or  
121 renewal certification under this section.

122 (e) Each application for a certificate to provide nursing facility  
123 management services shall be accompanied by an application fee of  
124 three hundred dollars. The certificate shall list each location at which  
125 nursing facility management services may be provided by the holder  
126 of the certificate.

127 (f) Each applicant for the issuance of a certificate or, if the applicant  
128 is a partnership, corporation or other legal entity, the officers,  
129 directors, trustees and managing and general partners, if applicable, of  
130 the applicant shall submit to state and national criminal history  
131 records checks conducted in accordance with section 29-17a.

132 ~~[(f)]~~ (g) The department shall base its decision on whether to issue  
133 or renew a certificate on the information presented to the department  
134 and on the compliance status of the managed entities. The department  
135 may deny certification to any applicant for the provision of nursing  
136 facility management services (1) at any specific facility or facilities

137 where there has been a substantial failure to comply with the Public  
138 Health Code, or (2) if the applicant fails to provide the information  
139 required under subdivision (1) of subsection (c) of this section, or to  
140 submit to state and national criminal history records checks required  
141 under subsection (f) of this section.

142 [(g)] (h) Renewal applications shall be made biennially after (1)  
143 submission of the information required by subsection (c) of this section  
144 and any other information required by the department pursuant to  
145 subsection (d) of this section, and (2) submission of evidence  
146 satisfactory to the department that any nursing facility at which the  
147 applicant provides nursing facility management services is in  
148 substantial compliance with the provisions of this chapter, the Public  
149 Health Code and licensing regulations, and (3) payment of a three-  
150 hundred-dollar fee.

151 [(h)] (i) In any case in which the Commissioner of Public Health  
152 finds that there has been a substantial failure to comply with the  
153 requirements established under this section, the commissioner may  
154 initiate disciplinary action against a nursing facility management  
155 services certificate holder pursuant to section 19a-494. In any case in  
156 which the commissioner has initiated disciplinary action against a  
157 nursing facility management services certificate holder for failure of a  
158 nursing facility under such certificate holder's management to comply  
159 with such requirements, such certificate holder may be fined not more  
160 than one thousand dollars per day until such time as such nursing  
161 facility is in compliance with such requirements.

162 [(i)] (j) The department may limit or restrict the provision of nursing  
163 facility management services by any nursing facility management  
164 services certificate holder against whom disciplinary action has been  
165 initiated under subsection [(h)] (i) of this section.

166 [(j)] (k) The department, in implementing the provisions of this  
167 section, may conduct any inquiry or investigation, in accordance with

168 the provisions of section 19a-498, regarding an applicant or certificate  
169 holder.

170 ~~[(k)]~~ (l) In any case in which the commissioner finds that there has  
171 been a substantial failure to comply with the requirements established  
172 under this chapter, or regulations adopted thereunder, the  
173 commissioner may require the nursing facility licensee and the nursing  
174 facility management service certificate holder to jointly submit a plan  
175 of correction as described in section 19a-496.

176 ~~[(l)]~~ (m) Any person or entity providing nursing facility  
177 management services without the certificate required under this  
178 section shall be subject to a civil penalty of not more than one  
179 thousand dollars for each day that the services are provided without  
180 such certificate.

181 Sec. 5. (NEW) (*Effective October 1, 2015*) Each health care institution,  
182 as defined in section 19a-490 of the general statutes, shall report to the  
183 Department of Public Health any major system failures, including, but  
184 not limited to, loss of water, loss of heat, loss of electricity and any  
185 incident that results in the activation of such institution's emergency  
186 response or emergency preparedness plan. Failure to report in  
187 accordance with this section immediately upon the activation of such  
188 plan may result in the imposition of a fine not to exceed one hundred  
189 dollars per day until such time as such institution makes a report.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	19a-511
Sec. 2	<i>October 1, 2015</i>	19a-535a(c)
Sec. 3	<i>October 1, 2015</i>	19a-527
Sec. 4	<i>October 1, 2015</i>	19a-561
Sec. 5	<i>October 1, 2015</i>	New section

***Statement of Purpose:***

To implement the Department of Public Health's recommendations regarding the protection of residents in health care institutions.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*